In the High Court for the States of Punjab and Haryana, at Chandigarh.

F.A.O. No. 1850 of 2007 (O&M).
Decided on May 04,2007.

Food Corporation of India, Hisar, through its Area Manager, -- Appellant

vs.

Smt.Birmati and others -- Respondents

Present: Mr. K.K.Gupta, Advocate, for the appellant

Pritam Pal,J: (Oral)

This appeal by the defendant/appellant, is directed against the impugned order,dated February 23,2007, passed by learned Commissioner,under the Workmen's Compensation Act, 1923 (for short, 'the Act'), whereby a total compensation of Rs. 3,77,217 was awarded to the respondents/claimants, who are widow and three minor children of Ved Parkash, since deceased. Services of Ved Parkash were entrusted to the appellant by the District Commandant, Home Guards, Haryana. Learned Commissioner in para 4 of the impugned order, has categorically directed that at the time of mishap, the deceased was on duty with F.C.I.-appellant, and Home Guards, Department was functioning as a contractor for providing labourers to the F.C.I, who has been held to be the principal employer . The learned Commissioner further while relying upon K.Kamalaveni & another v. Subbathal Spinning Mills (P) Limited and others, Accidents Compensation Judicial Reports, 2005 (1) 149, has

firstly held the appellant liable to make the payment of compensation and at the same time, as provided under Section 12 (2) of the Act, the appellant has been given the right to recover the amount of impugned award from respondent No.5- District Commandant, Home Guards, Haryana. The finding arrived at by the learned Commissioner, is not perverse or unreasonable as the appellant has already been allowed to be idemnified by respondent No.5-Home Guards, Department, Haryana. So, no interference is called for in the impugned order. Besides, that, under Section 30 of the Act, no appeal is maintainable unless some substantial question of law is shown to have arisen for consideration by this Court. Here, in the instant case, no such substantial question of law has been made out by learned counsel for the appellant. Hence, this appeal is hereby dismissed in *limine*.

May 04,2007 (Pritam Pal)
RR Judge